

## **ORDINANCE NO. 1723**

### **AN ORDINANCE VACATING RIGHT-OF-WAY VACATION FOR A PORTION OF EAST BOSTON AVENUE BETWEEN 1801 EAST BOSTON AVENUE AND 210 NORTH 18TH STREET, INDIANOLA, WARREN COUNTY, IOWA**

**WHEREAS**, on the 6<sup>th</sup> day of November 2023, pursuant to published notice as required by law, the City Council of the City of Indianola, Iowa held a public hearing on a proposal to vacate a portion of real estate owned by the City generally described as a portion of East Boston Avenue between 1801 East Boston Avenue and 210 North 18th Street, Indianola, Warren County, Iowa and more specifically described as:

A PART OF LOT 'E', ASHTON PARK PLAT 5, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF INDIANOLA, WARREN COUNTY, IOWA AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 'E'; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 'E' AND ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1729.54 FEET; WHOSE ARC LENGTH IS 52.03 FEET, AND WHOSE CHORD BEARS SOUTH 63°23'31" WEST, 52.03 FEET; THENCE NORTH 25°44'46" WEST, 60.04 FEET TO THE NORTH LINE OF SAID LOT 'E'; THENCE NORTHEASTERLY ALONG SAID NORTH LINE AND ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1699.54 FEET; WHOSE ARC LENGTH IS 81.57 FEET, AND WHOSE CHORD BEARS NORTH 62°53'49" EAST, 81.56 FEET TO THE NORTHEAST CORNER OF SAID LOT 'E'; THENCE SOUTH 00°00'06" WEST ALONG THE EAST LINE OF SAID LOT 'E', 67.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (4,007 S.F.). PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD; and

**WHEREAS**, the City Council of the City of Indianola, Iowa, has determined that the vacation will not deny owners of property abutting on the right-of-way reasonable access to their property and the right-of-way is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA:**

**Section 1.** The City of Indianola, Iowa, hereby vacates the following described real estate:

A PART OF LOT 'E', ASHTON PARK PLAT 5, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF INDIANOLA, WARREN COUNTY, IOWA AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 'E'; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 'E' AND ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1729.54 FEET; WHOSE ARC LENGTH IS 52.03 FEET, AND WHOSE CHORD BEARS SOUTH 63°23'31" WEST, 52.03 FEET; THENCE NORTH 25°44'46" WEST, 60.04 FEET TO THE NORTH LINE OF SAID LOT 'E'; THENCE NORTHEASTERLY ALONG SAID NORTH LINE AND ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1699.54 FEET; WHOSE ARC LENGTH IS 81.57 FEET, AND WHOSE CHORD BEARS NORTH 62°53'49" EAST, 81.56 FEET TO THE NORTHEAST CORNER OF SAID LOT 'E'; THENCE SOUTH 00°00'06" WEST ALONG THE EAST LINE OF SAID LOT 'E', 67.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (4,007 S.F.). PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

**Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 3.** This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

**PASSED AND APPROVED** this 4<sup>th</sup> day of December 2023.

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Stephanie Erickson, Mayor

ATTEST:

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Jackie Raffety, City Clerk

First reading: November 6, 2023

Second reading: November 20, 2023

Third reading: December 4, 2023

Publication Date: December 12, 2023